



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 26, 1995

Ms. Sheree L. Rabe
Assistant City Attorney
City Attorney's Office
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR95-495

Dear Ms. Rabe:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32821.

The City of Georgetown (the "city") received a request for "any information on disturbances at 1905 Thorton where police were called from 1-94 to 2-95." You have submitted marked copies of documents addressing incidents at 1905 Thorton for this time period which include four telephone calls occurring on April 12, 1994, April 13, 1994, June 11, 1994, and September 2, 1994, and one offense report dated April 13, 1994. You have submitted copies of the requested information to our office for review and have indicated on the documents which information you have withheld from the requestor. By our letter to you dated September 30, 1994, Open Records Letter No. 94-620, we addressed the issues relating to the telephone calls of April 12, 1994, April 13, 1994, and June 11, 1994. We returned marked documents to you with information we determined you could withhold from the requestor under the Government Code. Regarding those three telephone calls, we refer you to that letter. We will review the telephone call of September 2, 1994, and the offense report of April 13, 1994.

Believing the marked information would identify the complainant, you decided to withhold from the requestor the name, address, telephone number, and any comment or narrative statement made during the telephone call of September 2, 1994, and made in the offense report of April 13, 1994.

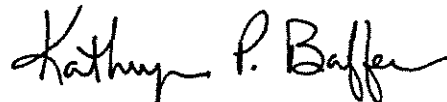
You believe that section 552.101 of the Government Code, which incorporates the informer's privilege, and section 552.108 of the Government Code authorize the city to withhold the information you have thus far withheld. What is usually referred to as the informer's privilege is in reality the Government's privilege to withhold from disclosure the identity of persons who furnish information of violations of law to officers charged with enforcement of law. *Roviaro v. United States*, 353 U.S. 53, 59 (1957). The purpose of the privilege is the furtherance and protection of the public interest in effective law enforcement. *Id.*; Open Records Decision No. 191 (1994). Significantly, the privilege protects the content of communications only to the extent that it identifies the informant. *Roviaro*, 353 U.S. at 60. The informer's privilege protects the flow of information to a governmental body. Open Records Decision No. 549 (1990) at 5.

We examined the documents you have submitted, and we agree that the documents allege violations of the law, either state or municipal. We further agree that the complaints were made to the city department responsible for enforcing the laws. Accordingly, we conclude that you may withhold from the requestor information that identifies the complainant. Regarding the September 2, 1994 telephone call, we conclude that the city may withhold the complainant's name, address, and the narrative statement, the marked information, which tends to identify the complainant. Regarding the offense report of April 13, 1994, we conclude that the marked portions identify the complainant. The city may withhold the complaint's name, address, and the narrative, the marked information, in the April 13, 1994 offense report.

Because we have addressed your request under Government Code section 552.101, we do not consider the applicability of section 552.108.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Kathryn P. Baffes". The signature is fluid and cursive, with the first name "Kathryn" being more prominent and the last name "Baffes" following in a similar style.

Kathryn P. Baffes
Assistant Attorney General
Open Government Section

KPB/LRD/rho

Ref: ID# 32821

Enclosures: Marked documents

cc: Mr. Douglas Purvis
2306 A Fuzz Fairway
Austin, Texas 78728
(w/o enclosures)